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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : November 15,2007.

Arun Kumar

...Petitioner.

vs.

The State of Haryana and others

...Respondents.

Coram: **Hon'ble Mr. Justice K.S.Garewal.**
Hon'ble Mr. Justice R.S.Madan.

Present: Mr.Jagdish Manchanda,Advocate,for the petitioner.
Mr.Anil Rathee, Additional Advocate General, Haryana,
for the respondents.

K.S.Garewal, J. (Oral)

Arun Kumar was a candidate for election to the State Legislative Assembly of Haryana which was held in February 2000. Arun Kumar was defeated but he did not submit his accounts of election expenses. Therefore, he incurred disqualification as per Section 10A of the Representation of the People Act, 1951. The disqualification was valid for a period of three years from the date of order. The order was passed on January 7, 2003. Therefore, the disqualification continued till January 6, 2006.

Arun Kumar still had political ambitious so he fought the election to the Municipal Committee, Samalkha, which was held on April 16, 2005 and was declared elected.

In terms of the disqualification already incurred under Section 10A above, on the date of filing of the nomination, he remained disqualified. Therefore, the State Government passed an order against the petitioner under Section 14 (1) (f) which entitled the State Government to

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remove any member of the Committee if he has become disqualified.

Since the petitioner was disqualified and the disqualification was in-force when the election was held, the petitioner was justifiably removed from the office.

Learned counsel for the petitioner contends that the petitioner should have been given an opportunity of being heard. In the present case, the petitioner has no explanation to give. The facts are clear and undisputed regarding the disqualification incurred by him under the Representation of the People Act, 1951. Therefore, an opportunity of hearing would in any case have been an empty formality. The petitioner's counsel has been heard at length today and no satisfactory explanation has been given by him as to why the disqualification should not be imposed upon him and why his removal should be revoked.

Dismissed.

(K.S.Garewal)
Judge

November 15, 2007.
vs.

(R.S.Madan)
Judge.